

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARRITTE FUNCHES,

Plaintiff,

vs.

RICK RIMINGTON, *et al.*,

Defendants.

3:11-cv-00795-ECR-WGC

ORDER

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state prisoner. Plaintiff paid the full filing fee for this action and the complaint was filed on November 1, 2011. (ECF No. 1).

On November 10, 2011, this Court entered an order screening the complaint. (ECF No. 5). Pursuant to the Court's order of November 10, 2011, the action was stayed for 90 days to allow the parties an opportunity to settle their dispute. (*Id.* at p. 10). The order specified that "on or before ninety (90) days from the date this order is entered, the Office of the Attorney General shall file the report form attached to this order regarding the results of the 90-day stay, even if a stipulation for dismissal is entered upon the end of the 90-day stay." (*Id.* at pp. 10-11). A settlement conference via video was held on February 7, 2012, and minutes of the proceedings indicate that settlement was

1 not reached. (ECF No. 13). Nevertheless, to date, the Office of the Attorney General for the State of
2 Nevada has not filed the required report regarding the results of the 90-day stay. The report shall be
3 filed, as directed at the conclusion of this order.

4 The Court also addresses two motions made by plaintiff. Plaintiff filed a notice of address
5 change on December 12, 2011, indicating that he was transferred from High Desert State Prison to a
6 correctional facility in Colorado. (ECF No. 10). Plaintiff seeks to have a copy of the complaint sent
7 to him. (ECF No. 10). Good cause appearing, the request is granted.

8 Plaintiff has also filed a motion for a stay in this case. (ECF No. 14). Plaintiff informs the
9 Court that, upon his transfer to the Colorado Department of Corrections, his legal files relevant to
10 this case were not transferred with him. (ECF No. 14 at p. 2). The Court declines to grant a further
11 stay in this action, but the Clerk of Court will be directed to send plaintiff the relevant court
12 documents that have been filed in the instant case.

13 **IT IS THEREFORE ORDERED** as follows:

- 14 1. Within **ten (10) days** of the entry of this order, the Office of the Attorney General for
15 the State of Nevada **SHALL FILE** the required report regarding the results of the 90-
16 day stay.
- 17 2. Plaintiff's motion for a copy of the complaint (ECF No. 10) is **GRANTED**.
- 18 3. Plaintiff's motion for a stay (ECF No. 14) is **DENIED**.
- 19 4. The Clerk of Court **SHALL SEND** to plaintiff, at his current address of record,
20 copies of the following documents: ECF No. 1 (Complaint), ECF No. 2 (Notice),
21 ECF No. 5 (Screening Order), ECF No. 12 (Order Scheduling Inmate Early Mediation
22 Conference), and a copy of this order.
- 23 5. The Clerk **SHALL ELECTRONICALLY SERVE** a copy of this order and a copy
24 of plaintiff's complaint (ECF No. 1) on the Office of the Attorney General of the
25 State of Nevada, attention Pamela Sharp.
- 26 6. The Attorney General's Office shall advise the Court within **twenty-one (21) days** of

1 the date of the entry of this order whether it can accept service of process for the
2 named defendants. As to any of the named defendants for which the Attorney
3 General's Office cannot accept service, the Office shall file, *under seal*, the last
4 known address(es) of those defendant(s).

- 5 7. If service cannot be accepted for any of the named defendant(s), plaintiff shall file a
6 motion identifying the unserved defendant(s), requesting issuance of a summons, and
7 specifying a full name and address for said defendant(s).
- 8 8. If the Attorney General accepts service of process for any named defendant(s), such
9 defendant(s) **SHALL FILE AND SERVE** an answer or other response to the
10 complaint within **sixty (60) days** from the date of this order.
- 11 9. Henceforth, plaintiff shall serve upon defendant(s) or, if an appearance has been
12 entered by counsel, upon their attorney(s), a copy of every pleading, motion or other
13 document submitted for consideration by the court. Plaintiff shall include with the
14 original paper submitted for filing a certificate stating the date that a true and correct
15 copy of the document was mailed to the defendants or counsel for the defendants. If
16 counsel has entered a notice of appearance, the plaintiff shall direct service to the
17 individual attorney named in the notice of appearance, at the address stated therein.
18 The court may disregard any paper received by a district judge or magistrate judge
19 which has not been filed with the Clerk, and any paper received by a district judge,
20 magistrate judge, or the Clerk which fails to include a certificate showing proper
21 service.

22 **IT IS SO ORDERED.**

23 Dated this 27th day of March, 2012.

24 
25 UNITED STATES MAGISTRATE JUDGE
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